

Wayne Dresser RCRA Corrective Action Meeting- **DRAFT NOTES**
February 18 2016- **as amended on 2/26/2016**

Participants:

EPA:

Luis Pizarro
Diane Schott
Mike Cramer
Ruth Prince, Ph.D., Risk Assessment Only
Cynthia Nadolski, Counsel- Introduction and Last Sessions (Sessions 1, 2 and 5)

MDE (by phone, through part of the meeting)

Albert Simkins
Ed Hammerberg

DII/Halliburton:

Tramaine Singleton
Michael Meloy, Manko Gold, Katcher Fox LLP
Todd Kantorczyk, Manko Gold, Katcher Fox LLP
Mark Hammaker, Applied Environmental Management, Inc.
Lenny Rafalko, Environmental Resources Management
John Hogue, Environmental Resource Management
Matt Tonkin, S.S. Papadoulos & Associates.

GE/Dresser:

Elizabeth Mack, Lock Lord LLP
Monique Mooney- in house counsel
Ed Kolodziej- in house project management

Meeting notes: (notes presented below are not necessarily in the order discussed)

Refer also to electronic presentation- requested.

Parties Involved- presented by Mr. Meloy/DII:

Former owner and current investigation: DII LLC under Halliburton- is old Dresser industries
Current owner: Dresser LE RRC – under Dresser Inc. – under GE
2008 agreement of sale to Salisbury University Foundation

Site Wide Soils: (aside: very little soils data has been submitted to date)

Mr. Meloy/DII distributed a list describing extensive investigations to date.

Mr. Meloy/DII stated extensive evaluation, investigation and determination on soils were conducted with EPA (under prior PM and hydrogeo) review and approval in 2008-2009.

Diane/EPA expressed concern for limited parameters.

Mr. Meloy/DII stated sampling/analyses will be conducted for SVOCs at locations where TPHs were detected

Diane/EPA cited that only priority pollutant metals were analyzed for rather than the full TAL metal list- Mr. Meloy/DII agreed to include full TAL list in any future sampling.

Diane/EPA stated that justification for each area in EPA's 2014 chart must be evaluated for release.

Mr. Meloy/DII stated each area in chart which EPA provided in 2014 will be evaluated for release. (in final write up)

Fill Status:

Dresser stated:

Approved fill is located in areas of excavation

No site wide fill is present

Site was regraded and seeded for erosion control

EPA approved regrading and seeding solely to address erosion control requirements

Ms. Mack/Dresser acknowledged

Groundwater Monitoring Wells:

DII presented information and answered questions about proposed wells.

DII stated wells proposed in November 2015 Site Wide Groundwater Report will be installed beginning March 7, 2016.

DII acknowledged making no changes to the proposed wells since receipt of EPA's comments in mid-December, 2015.

DII requested whether EPA approved of the locations and screened depths.

Mike Cramer/EPA geologist stated that based on information presented in the meeting, that the plans seem ok, although he requested the plans be adjusted based on field conditions. DII facility agreed. (Mike requested large printed copies of figures from 2016 hex chrom report- large copies of proposed wells from 2015 site wide characterization report were delivered on 2/23/16).

EPA/Diane stated that EPA Hydro (Mike Cramer) had requested clustered wells at each location. As no revisions were made to address EPA's comments, EPA stated that it needs time to review the plans based on information presented at the meeting. EPA/Diane agreed to make evaluating locations and screened depths a priority.

DII acknowledged it has not submitted a groundwater monitoring plan. DII stated it will conduct two rounds of sampling of each of the 61 wells. Analytes will include TAL metals, VOCs and VOC TICs, Low level SVOCs and SVOC TICs, MTBE and 1,4 dioxane. Except for hexavalent chromium, all metals will include filtered and non filtered metals. Hexavalent chromium will be only filtered- as unfiltered introduces interferences in the results.

ERM/DII: Wells 33, 36, and 37 were removed for PCB removal- will be reinstalling some of the wells.

Groundwater- Use Designation/Restoration:

Mr. Meloy/DII stated there is a restriction on potable groundwater use- anyone within 300' from municipal potable line is required to be on municipal water supply.

(Fact check: found the following requirement on the Salisbury web site: "Where an approved public water supply system is within three hundred (300) feet of the building to be served, the approving authority shall require that the water supply be obtained from that system." ; also found- likely applied only where supply system is distant from building to be served- but should confirm there are no exceptions: "Any person contemplating the construction of a private well for domestic use, outside irrigation purposes, refrigeration cooling purposes or the filling of swimming pools shall, previous to the beginning of any construction, make a formal application. The permit fee shall be twenty-five dollars (\$25.00) for each well. Applications for such permit, except wells referred to in subsection C of this section, shall be in a form provided by the bureau of inspections. Whenever, in the opinion of the director of the department of building, housing and zoning, complete plans and specifications are needed to show definitely the desired installation for which the application is made, the applicant shall furnish duplicate. If approved, one set shall be returned to the applicant marked approved, and one set shall be retained and filed as a permanent record in the office of the department of building, housing and zoning.")

Mr. Meloy/DII showed figures depicting extent of municipal supply in vicinity of the Facility and that plume will extend only into portions required to be on a municipal water supply.

(Fact Check: Joel found no potable wells within plume)

Diane/EPA: The municipal water supply is sourced from a well field one mile to the north. Other groundwater uses are present- including a Coca Cola bottling plant between the site and the municipal well field; and possibly the hospital. Groundwater is a resource which must be restored to the maximum beneficial use designated by state

Luis/EPA stated that there are no EPA-endorsed Comprehensive State Groundwater Protection Program (“CSGWPP”) in any Region 3 state- which define groundwater use designation; thus, all groundwater in Region 3 is drinking water.

Mr. Meloy/DII stated groundwater restoration is a policy- appeared to seek approval of no restoration of groundwater – based on no current or potential future use.

Luis/EPA-management stated groundwater restoration is necessary- how you get there can be flexible-must have clear objectives.

Groundwater Environmental Indicator- Contaminant Migration Under Control

Mr. Meloy/DII stated that purpose of the GWEI is to control stability

Luis/EPA stated an additional purpose is to ensure no current receptors

Luis/EPA stated GW EI is necessary to support the remedy- is not just a bureaucratic requirement- is used to show protection

Mr. Meloy/DII requested to demonstrate stability and offsite extent with a groundwater model.

Luis/EPA agreed to consider data and the model results to determine whether offsite sampling is necessary; if model shows extent is only a few feet, then ok; if model shows extent is further out, confirmation sampling will be necessary; Luis expressed concern for the potential for vapor intrusion.

Tarps Over Contaminated Soils

Facility requested to remove tarps over contaminated soils;

Diane/EPA agreed – as long as impacts to LNAPL were checked;

(after meeting thought: if the tarps were installed to address erosion control requirements, then DII should seek approval from the agency which required erosion control)

LNAPL

DII:

Monitoring has been conducted every two weeks for several years

Detection has been infrequent

Only once at two wells was quantity recoverable and/or sufficient for transmissivity testing- a couple of weeks during January 2015

LNAPL is detected only when groundwater levels are low,

Average groundwater level is above the groundwater level where LNAPL releases from the impacted soil horizon are detected

DII requested to omit all future monitoring of LNAPL;

Luis/EPA requested the frequency of LNAPL monitoring be reduced based on conditions- address as needed, considering conditions may change following tarp removal and based on future groundwater goals,

Luis/EPA later additionally suggested conducting monitoring during each groundwater monitoring event

Uniform Environmental Covenant Agreement (UECA):

DII/GE requested an early UECA – prior to decision;

MDE requested to be included;

EPA/MDE requested model be used; models were provided to DII a few weeks ago;

DII/GE stated that they began drafting a UECA in January- will refer to model;

Mr. Meloy/DII stated a signed UECA can be amended in the future, if needed-

On 2/26/2018, **Luis/EPA** stated *that he stated at the meeting that he will look into see if we can do it*

Luis/EPA cited concern for sorting out who is responsible for long term work and obtaining agreement from future land owners for determined work; will future land owners be burdened with, agree to, and support implementing monitoring requirements?

Zoning/Reasonably Anticipated Land Use:

Ms. Mack/Dresser:

Current zoning is industrial use;

Restrictions in sale agreement provide for land use only by adults.

(Fact Check: Entire Facility north and south of College Avenue in 2010 Comprehensive Plan Map 11-1: Existing Land Use is zoned industrial)

EPA requested DII/GE to learn whether community is ok with all planned use and use restrictions.

(Fact Check: From 2010 Comprehensive Plan Map 11-2: Salisbury Future Land Use: facility property south of college avenue is zoned “Salisbury university”; facility property zoned north of college avenue is zoned “commercial”

From 2010 Comprehensive Plan Map 11-4, Salisbury & Growth Area Future Land Use- Salisbury university will extend south of plant and east of east lot – on land currently used as a high school)

Risk Assessment:

(undergoing post meeting review- due to concern that future use is a university rather than current industrial zoning)

Ruth Prince Ph.D., attended this portion of the meeting.

Lenny/ERM/DII stated it is working w Connie Fostinini (sp?)

Lenny Rafalko/ERM/DII Questions:

With environmental covenant in place which prohibits residential use of property future land use is limited to industrial use;

Where UECA will include engineering and institutional controls including long term monitoring

Groundwater ingestion- no potable use

(Acknowledged when prompted): Industrial soil screening levels are exceeded at locations

EPA:

Ruth/EPA directed risk assessment for soils only for industrial use

Luis/EPA:

Groundwater restoration is necessary- how you get there can be flexible-must have clear objectives.

Must support inclusion of vapor intrusion barriers in decision- otherwise is a taking

Mike/DII agreed- stated supporting need for vapor intrusions barriers will be no problem

EPA:

Must submit a risk assessment workplan addressing existing and future use/exposures

Current lead time for a review by Ruth:

Priority is established by Luis;

Current lead time to review a workplan is 4-5 months and can be moved back as a result of other arising/emerging priorities

Corrective Action “Closure”

Luis/EPA:

Closure can include “closure w controls”

Ongoing monitoring can be a control;

Most controls can be included in a UECA;
We stay away from including active remedies in covenants;
Active remedies are implemented via a separate vehicle - such as an order,

Parcels:

Mr. Meloy/DII:

History of applying corrective action began in 2001
- Diane/EPA stated corrective action began in 1984...

Mr. Meloy then focused on 3008(h)- stating we are working under a 3008(h) interim status order process and that process began with a 2001 USACE report

[Fact Check: I found a 2002 Environmental Indicator Inspection Report that includes a description of a June 24, 1999 RCRA site inspection conducted by the Baltimore USACE with a purpose to gather relevant information to determine whether human exposures and groundwater releases are controlled- no mention of 3008(h)- although, could have been stated during associated correspondence/meetings.]

Mr. Meloy found that EPA included contiguous/adjacent parcels in total acreage on Web Page

The North Parcel was acquired in 1960's. North parcel was purchased separate from the plant by Dresser and used by Dresser for parking.

The North Parcel was sold in 1996- to develop into a shopping center.

(Diane/EPA stated EPA intends to use the investigation used for the sale of the north lot in its decision.)

Mr. Meloy/DII stated:

When the north parcel was sold, the east and south lots were purchased in 1996 for parking.

Mr. Meloy/DII stated 40 C.F.R. Section 270.73(g) terminates interim status for facilities which received interim status prior to 11/8/85 and do not have a permit.

Mr. Meloy/DII stated that the east and south lots were acquired after loss of interim status, and requested they be excluded from being addressed via an interim status corrective action authority.

Mr. Meloy/DII stated that other than the photo Diane/EPA found, that DII looked and found no documentation that the east lot ever was operated on and/or leased by the Dresser. (consider an info request letter???; note that photo showing use of eastern lot was a photo submitted by the Facility in their mid-1980's SWMU information response.)

Luis/EPA stated North lot is part of the Facility and we (EPA) will review whether the east and south lots are part of the Facility.